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February 27, 2015

BY ECF

Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Dancy v. City of New York, et al., 15CV0481 ARR-RLM

Dear Judge Mann:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, defending the City of New York in the above-referenced case. I am writing with the consent of plaintiff's counsel, Neville O. Mitchell, Esq., to respectfully request that the Court grant a sixty (60) day enlargement of time, from February 27, 2015 to April 28, 2015, within which defendant City of New York may answer or otherwise respond to the complaint. This is defendant's first request for an enlargement of time.

By way of background, plaintiff's complaint alleges, inter alia, that he was falsely arrested and subjected to excessive force. In addition to the City of New York, plaintiff also purports to name various police officers as defendants. It appears from a review of the docket sheet that the officers have not yet been served with a copy of the summons and complaint. A decision concerning this Office's representation of the officers has not yet been made and accordingly, this request for an extension of time is not made their behalf. However, given the time involved in determining the representation of police officers, and in the interest of judicial economy, we would hope that the court may, sua sponte, extend the time to answer on behalf of all defendants.

Before this Office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. To this end, the City will need to obtain

releases from plaintiff to obtain the underlying medical and arrest records. Therefore, the enlargement of time will afford us the opportunity to investigate the matter.

Additionally, the enlargement will allow the City to ascertain whether this Office will represent the officers. If service is properly effectuated on the officers, then pursuant to Section 50-k of the New York General Municipal Law, this Office must determine, based on a review of the case, whether we may represent them. The officers must then decide whether they wish to be represented by this Office. If so, we must obtain their written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See Mercurio v. City of New York, 758 F.2d 862, 854-65 (2d Cir. 1985) (quoting Williams v. City of New York, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

For the foregoing reasons, it is respectfully requested that the Court grant the within request extending defendants' time to respond to the complaint until April 28, 2015.

Thank you for your consideration in this regard.

Respectfully submitted,

/s/ Linda Mindrutiu

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cc: BY ECF
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